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| APPLICATION NO.                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 09/891,267                       | 06/27/2001  | Shuji Shimizu        | SON-2147            | 1629             |
| 23353                            | 7590        | 01/05/2006           | EXAMINER            |                  |
| RADER FISHMAN & GRAUER PLLC      |             |                      | VIEAUX, GARY        |                  |
| LION BUILDING                    |             |                      |                     |                  |
| 1233 20TH STREET N.W., SUITE 501 |             |                      | ART UNIT            | PAPER NUMBER     |
| WASHINGTON, DC 20036             |             |                      | 2612                |                  |

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                |
|------------------------------|-----------------|----------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |
|                              | 09/891,267      | SHIMIZU, SHUJI |
|                              | Examiner        | Art Unit       |
|                              | Gary C. Vieaux  | 2612           |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ .   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 7, 2005 has been entered.

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### ***Response to Amendment***

In response to the Final Office Action dated April 7, 2005, independent claim 1 has been amended.

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### ***Response to Arguments***

Applicant's arguments with respect to claims 1-13 have been fully considered and are persuasive. The rejections of claims 1-13 have been withdrawn.

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### ***Claim Rejections***

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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**Claim 1-13** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

5 had possession of the claimed invention.

Claim 1 provides for the amended limitations “wherein the camera support means are located on a first end and a second end of the electronic camera” and “wherein  $\theta_b$  is a range from 30° on a front side of the electronic apparatus to 105° on a rear side of the electronic apparatus”. However, review of the specification shows that

10 these limitations are derived from distinct embodiments, and due to the divergent nature of these embodiments, are mutually exclusive; with the first amended limitation being associated with the first embodiment which describes a camera integrated into the upper frame via first and second end support means (figs. 2 and 3), and having a limited range of motion covering up to but not beyond 180° (fig. 3) that is contradictory with the

15 range presented by the second amended limitation, which is associated with the second embodiment (figs. 7, 8, and 9, ¶0054.)

Claims 2-13 each depend either directly from or indirectly from independent claim 1, and thus inherit all the limitations of independent claim 1. Consequently, based on their dependence and the foregoing 35 U.S.C. 112, first paragraph rejection to claim 1,

20 claims 2-13 are also rejected under the same grounds of failing to comply with the written description requirement.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Siddoway et al. (US 6,6,473,631) discloses a camera which includes camera support means that are located on a first end and a second end of an electronic camera, and which operates over a 180° range.

Arai et al. (US 6,904,289) discloses a camera which includes camera support means that are located on a first end and a second end of an electronic camera.

Wakabayashi et al. (JP 08-223492) discloses a camera which includes camera support means that are located on a first end and a second end of an electronic camera, as well as image inversion based on the angular position of the camera within a range from approximately 45° on a front side of a camera to approximately 120° on a rear side of a camera.

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***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen T. Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieux  
Examiner  
Art Unit 2612

10 Gcv2



TUAN HO  
PRIMARY EXAMINER